

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Respondent,

No. CR S-03-0215 WBS KJM P

vs.

DAVID R. KING,

Movant,

FINDINGS & RECOMMENDATIONS

By order filed May 22, 2006, movant's October 31, 2005 motion to vacate under 28 U.S.C. 2255 was dismissed and thirty days leave to file an amended motion was granted. The thirty day period has now expired, and movant has not filed an amended motion or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, movant may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Movant is advised that failure to file objections within the

1 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
2 F.2d 1153 (9th Cir. 1991).

3 DATED: July 24, 2006.

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6 UNITED STATES MAGISTRATE JUDGE
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